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2/18/2020

USA Para Powerlifting Complaint Process

Version 2.2.18.2020



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Compliant Procedures.

Policy Statement

A member of USAPP may file a complaint pertaining to any matter within the cognizance of Logan, including but not limited to any alleged violation of or grievance concerning

- Any Logan USAPP rule or regulation,
- Any provision of Logan USAPP policies
- Any US Center of SafeSport Minor Athlete Abuse and Prevention Polices (<https://safesport.org/>)
- Any provision of the Act relating to Logan's recognition as an HPMPMO such as;

Opportunity to Participate

Any athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individuals' opportunity to participate in a Logan USAPP sanctioned competition. Logan USAPP sanctioned competition, violation of Logan USAPP code of conduct, or administrative procedures.

Code of Conduct Violation

The Logan USAPP Conduct Committee shall maintain, and the Executive Director of Paralympic Operations at Logan shall promulgate the Logan USAPP Code of Conduct on the USAPP page on Logan's website (www.logan.edu/usapp). Logan shall receive and hear complaints of violations of the Code of Conduct and will provide fair notice and opportunity for a hearing to any athlete, coach, trainer, manager, administrator, or official before declaring the individual accused of such violation.

Manner of Filing

The complainant shall file the complaint addressed to the Executive Director of Paralympic Operations at Logan, who shall inform the needed parties in Logan's current reporting structure of the complaint and assign the complaint to the Logan USAPP Conduct Committee for process.

The complaint shall set forth in typed, clear and concise language, preferable in numbered paragraphs (see Appendix A for complaint form):

- The complainant's name (full) and full contact information
- The name of the defendant (complaints against organizations shall name the organization, not an individual)
- Specifics of the nature of the alleged violation
- Where the alleged violation occurred
- When the alleged violation occurred
- The circumstances under which he alleged violation occurred
- How the alleged violation impacts the complainant
- The remedy requested by the complainant
- A narrative describing the allegation; and
- The complainant's signature



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Hearing Panel

Upon the timely and complete filing of a complaint, the chair of the Logan USAPP Conduct Committee after consultation with the Executive Director of Paralympic Operations and other members of the Logan USAPP Conduct Committee, shall appoint a Hearing Panel consisting of three (3) individuals to hear the complainant.

At least one (1) of whom must be an athlete who meets the qualifications of Logan USAPP membership.

The Logan USAPP Conduct Committee shall also appoint a Chair of the Hearing panel. A Logan USAPP Conduct Committee member may be appointed to and serve on the Hearing Panel. Other individuals who meet the standards of independence may be identified by the USAPP Conduct Committee and may also be appointed to serve on the Hearing Panel. Members of the panel need not be members of Logan or USAPP or involved in the sport of Paralympic Powerlifting.

All members of any hearing panel shall be disinterested individuals without conflict of interest to the individuals or situations being heard.

Conducting of the Proceeding

Fair Notice

Within ten (10) days of the appointment of the Hearing Panel, the Executive Director of Paralympic Operations (or his or her designee) will provide to the Chair of the Hearing Panel a copy of each of the following documents: (i) the Complaint; (ii) all materials filed with the Complaint, if any; and (iii) any relevant documents in the possession of Logan. The Hearing Panel shall ensure that all relevant parties have been provided with the relevant materials.

The Hearing Panel shall ensure that any affected parties are provided with the relevant materials. The Hearing Panel may also determine that individuals not listed by either the Complainant or Logan as an affected party shall be given notice. Any party named as an affected party shall be eligible to participate fully in the Grievance, including the Hearing. Any party notified of the Complaint as a potentially affected party shall be bound by the decision of the Hearing Panel, even if he or she chooses not to participate.

The Hearing Panel ("the Panel") shall initially meet and decide whether the filing meets the minimum standards for a sufficiently filed complaint and rule on whether the complaint may go forward.

If the complaint is insufficient, the Panel shall provide written opinion to the complainant explaining its decision and whether the complaint may be corrected and re-filed (a dismissal without prejudice) or whether the complaint may not be re-filed (with prejudice) providing justification for its opinion.

If the complaint is not dismissed, the Hearing Panel shall notify the named defendant if any, and the defendant shall have 30 days to respond to the complaint with a sufficiently stated response that refutes the complaint.



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Failure to respond shall be grounds for the Panel to grant a default judgement to the complainant with a remedy determined by the Panel

Upon receipt of the defendant's response, the complainant shall have 30 days to respond. After receipt of the complaint, defendant's response and complainant's response to defendant the Panel may decide based on the filing if the Panel's discretion the filing sufficient, ad the parties agree to such a procedure.

If the Panel conclude that a hearing is warranted the Panel shall schedule a hearing on the complaint. The Hearing Panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary.

The hearing shall be informal, and the rules of evidence will not be strictly enforced, except that testimony shall be taken under oath.

If necessary or convenient to the parties, the hearing may be conducted by tele- or web-conference.

Each party shall have the right to appear personally or through a legal representative

All parties shall be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument

Member of the hearing panel shall have the right to question witnesses or the parties to the preceding at any time

Any party may have a record made of the hearing. A court reporter may be present at the hearing at the request of a party

The court reporter shall be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript shall be paid for by the party requesting the transcript.

Fair Process Considerations

In any hearing conducted, the parties shall be provided with the following

- Notice of the charges or alleged violations, with specificity and in writing and possible consequences if the charges are found to be true;
- Reasonable time between receipt of the notice of charges and the hearing with respect of the charges, within which to prepare a defense;
- Notice of the identify of adverse witnesses provided in advance of the hearing;
- The right to have the hearing conducted at such a time and place as to make it practicable for the person charged to attend;
- A hearing before a disinterested and impartial body of fact finders;
- The right to be assisted in the presentation of ones case at a hearing, including the assistance of legal counsel, if desired; however, all fees shall be paid by the party seeking assistance of legal counsel;
- The right to present oral and written evidence and argument;



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- The right to call witnesses to testify at the hearing including the right to have individuals under the control of an adverse party attend; and to confront and cross-examine such individuals;
- The right to have a record (i.e., transcript) made of the hearing (in this regard, the reporter shall be paid for by the party requesting the reporter; and a copy of any transcript shall be provided to the other party upon payment of half of the cost. Any transcripts ordered by a party shall be made available to the Hearing Panel upon request of the hearing Panel;
- The burden of proof shall be on the proponent of the charge, which burden shall be by “at least a preponderance of the evidence,” unless an applicable rule of law provides for the higher burden of proof;
- A written decision, with reasons therefore, based solely on the evidence of record, handed down in a timely fashion; and
- A written notice of appeal procedures, if the decision is averse to the person charged, and the prompt and fair adjudication of any appeal
- First avenue of appeal shall be to the Logan USAPP Conduct Committee en banc (all Committee members shall review the decision) who shall meet after review record and the Panel’s decision. After its review Logan’ USAPP Conduct Committee shall inform the parties and the Panel whether it upholds the Panel’s decision or whether it will hear the appeal
- Except in extraordinary circumstances, which shall be documented and detailed in the Logan USAPP Conduct Committee decision, the appeal shall be over process and the Panel’s interpretation of the rules and procedure. Findings of fact by the Panel generally shall not be subject to appeal
- A second and final appeal with Logan is subjected to Logan’s general process (those not specific to the sport of Paralympic Powerlifting in the United States). This information can be found at www.logan.edu

Complaints Involving Selection of Participate in a Competition

Where a complaint is filed involving selection of an individual to participate in a competition, the complainant shall include with the complaint a list of all other individuals, together with their contact information, that may be adversely affected by a decision rendered on the complaint.

The Hearing Panel shall determine which additional individuals must receive notice of the complaint. Logan shall then be responsible for providing appropriate notice to these individuals. Any individual so notified then shall have the option to participate in the proceeding as a party. If an individual is notified of the complaint, then that individual shall be bound by the decision of the Hearing Panel, even if the individual chose not to participate as a party.

Decision

A decision shall be determined by a majority of the Hearing Panel. The Hearing Panel’s decision shall be in writing and distributed to the parties. A catalogued record of all Hearing Panel and Appellate decisions and remedies shall be kept in the official records of Logan, available to public review and research. Although not absolutely binding, consistent interpretation of rules, violations and remedies require Hearing Panels and Appellate Panels to refer to said catalogued decisions for guidance in matters before them.



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Arbitration

Per the Act and the USOC Bylaws, certain parties subject to these Bylaws may bring a grievance to the American Arbitration Association.



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Appendix A

Complaint Form

This Complaint Form must be used when filing a complaint with Logan University (Logan) involving an alleged denial of an opportunity to compete, code of conduct violation, or administrative process. A complaint that is not filed in accordance with Logan’s complaint procedures shall render the filing ineffective and the complaint shall not be considered to have been properly filed. The complaint shall be filed with the Executive Director of Paralympic Operations by email to Kelley.Humphries@logan.edu . Also, Claimant must serve a copy of the Complaint on the Respondent at the time of filing. Any questions concerning this form, or the filing of a complaint may be directed to the Executive Director of Paralympic Operations at 230.636.1736.

The Claimant

- 1. Claimant(s). If there is more than one Claimant, please list all the Claimants’ names and complete the contact information for primary Claimant.

1.1. Claimant’s Name: _____

1.2. Claimant’s full mailing address: _____

1.3. Claimant’s telephone and fax numbers: Home (_____) _____

Work (_____) _____

Cell (_____) _____

Fax (_____) _____

1.4. Claimant’s e-mail address: _____

1.5. Name of the authorized spokesperson or representative (i.e., lawyer, coach, parent..)

1.6. Full mailing address of the authorized spokesperson or representative (i.e., lawyer, coach, parent..):

The Respondent

- 2. Respondent(s). If there is more than one respondent, please complete for all Respondents

2.1. Respondent’s name: _____

2.2. Respondent’s full mailing address _____



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2.3. Respondent's e-mail address, if known: _____

3. Please list the matter that is the subject of the complaint

Statement of the dispute

4. Please provide on Attachment A the factual and legal basis (numbered paragraphs) upon which you allege your complaint. I

Remedy

5. Please specify the outcomes or relief you are seeking:

Identification of an affect party

6. Please indicate on Attachment B, to the best of your knowledge, the name and contact information of any person whose could be affected by this complaint and the reasons justifying why that person should be an Affected Party

Urgency

7. To the best of your knowledge, is there an urgency to resolve the dispute and if so, provide reasons justifying the need for an expedited procedure and the deadline to resolve the dispute:

Other proceedings

8. Are you aware of any other complaint filed or other ongoing proceedings that might influence the present complaint? If yes, please provide the forum in which the complaint or proceeding is being heard and if available, the contact information of the parties involved.



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Signature

- 9. The complaint must be signed by the Claimant (or Claimant’s authorized spokesperson or representative) or where a complaint is being brought on behalf of a team, by a representative of the team. If this complaint is being submitted electronically, the person sending the e-mail shall be deemed to have signed the complaint.

By signing this complaint, I attest that I have served a copy of the complaint to the Respondent(s) listed in Section II.

Signature of the Claimant/Authorized Spokesperson or representative:

Signed on: _____
(Date)

(Signature)

(Printed name)

